

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

-against-

ZACHARY WILLIAMS,

Defendant.

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MEMORANDUM AND ORDER

Case No. 22-cr-449 (FB)

Appearances:

For the Government:

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For the Defendant:

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BLOCK, Senior District Judge:

At his arraignment for alleged sex crimes before this Court on March 7, 2024, Defendant Zachary Williams (“Williams”) — who is also currently pending trial in both the District of New Jersey and the District of Connecticut — informed the Court that he does not wish to waive speedy trial. Accordingly, pursuant to 18 U.S.C. § 3161(h)(1)(B), the Government requests that the Court enter an Order of Excludable Delay from March 7, 2024, through May 17, 2024, the estimated date of the conclusion of the defendant’s trial in the District of New Jersey. For the following reasons, the Government’s motion is granted.

BACKGROUND

Williams has been charged in three federal districts: the District of New Jersey, the District of Connecticut, and here, the Eastern District of New York.

In the New Jersey case, Williams was arrested on March 13, 2021, and has been in federal custody ever since. On May 4, 2022, Williams was indicted and charged with: (i) two counts of traveling with the intent to engage in illicit sexual conduct; (ii) sexual exploitation of a child; (iii) coercion and enticement; and (iv) possession of child pornography. The New Jersey case is pending before Judge Christine O'Hearn, and trial is scheduled for May 6, 2024.

In the Connecticut case, Williams was indicted and charged on April 21, 2022, with: (i) two counts of aggravated sexual abuse with children; (ii) production of child pornography; and (iii) coercion and enticement. The Connecticut case is before Judge Omar A. Williams, who denied defendant Williams's motion requesting that his trial begin on December 12, 2023. Judge Williams explained that the New Jersey trial should proceed first.

In this case, in the Eastern District of New York, Williams was indicted on October 3, 2022, and charged with: (i) receipt of child pornography; (ii) sexual exploitation of a child; (iii) coercion and enticement; and (iv) cyberstalking.

DISCUSSION

Williams has declined to waive his speedy trial rights, which has obliged the Government to move for an Order of Excludable Delay. Designed to “put teeth into the speedy trial guarantee” of the Sixth Amendment, *United States v. Mehrmanesh*, 652 F.2d 766, 769 (9th Cir. 1981), the Speedy Trial Act “mandates that a criminal defendant must be brought to trial within 70 days of the filing of the indictment or the defendant’s initial appearance, whichever occurs later.” *United States v. Bert*, 814 F.3d 70, 78 (2d Cir. 2016) (citing 18 U.S.C. § 3161(c)(1)). However, the Speedy Trial Act excludes from the 70-day time period delays due to certain enumerated events, pertinently “[a]ny period of delay resulting from other proceedings concerning the defendant, including. . . delay resulting from trial with respect to other charges against the defendant.” 18 U.S.C. § 3161(h)(1)(B).

The cases pending before the District Courts of New Jersey and Connecticut clearly constitute “other proceedings concerning the defendant.” *Cf. United States v. Brown*, No. CR. A. 00-381, 2001 WL 13337, at *2 (E.D. La. Jan. 5, 2001) (defendant’s “present trial and his ‘trial with respect to other charges’ were both on the docket of the same federal district” and thus not subject to the exclusion). The key interpretive question is whether the term “resulting from trial” excludes only (a) “the time required for the actual trial” or (b) “the entire time defendant is

awaiting the disposition of the charges against him.” *United States v. Charvez Brooks*, No. CR ELH-20-0034, 2024 WL 1194391, at *18 (D. Md. Mar. 19, 2024) (quoting *United States v. Bigler*, 810 F.2d 1317, 1320 (5th Cir. 1987)) (cleaned up).

While this Court is not aware of Second Circuit precedent interpreting § 3161(h)(1)(B), the vast majority of courts has understood this provision to require exclusion of time not only for the duration of the other trial itself but also “the period of time utilized in making necessary preparation for trial.” *United States v. Cavalier*, No. 2:16-CR-046-GMN-PAL, 2016 WL 3381230, at *3 (D. Nev. June 13, 2016) (quoting *United States v. Lopez-Osuna*, 242 F.3d 1191, 1198 (9th Cir. 2000)); *see also Bigler*, 810 F.2d at 1320 (collecting cases from four circuit courts, the District of Columbia, Eighth, Ninth, and Eleventh); *Brooks*, 2024 WL 1194391, at *19 (D. Md. Mar. 19, 2024) (“common sense and case law provide ample support for [excluding] the time between the date on which a defendant is indicted on other charges and the date on which the defendant is sentenced on those charges.”).

Accordingly, the Court finds that the time from March 7, 2024, until the end of the New Jersey trial, estimated to be May 17, 2024, “constitutes excludable time in the instant case . . . since the defendant was detained in that district and his

proceedings in [the other federal district court] case were ongoing.” *United States v. Shaner*, No. 3:18-CR-35, 2020 WL 6700954, at *4 (M.D. Pa. Nov. 13, 2020).

The Court therefore enters an Order of Excludable Delay from March 7, 2024, through May 17, 2024.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
March 29, 2024